

fact that it contained cinchophen, was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, i. e., "One every 3 hours, follow with glass of water."

DISPOSITION: April 7, 1947. A plea of nolo contendere having been entered, the court imposed a fine of \$200 on count 3 of the information. With respect to counts 1 and 2 of the information, the court suspended the imposition of sentence and placed the defendant on probation for 1 year, conditioned that he do nothing in conflict with the Federal Food, Drug, and Cosmetic Act, and that he stop the use of cinchophen, unless it appears in a prescription of a duly authorized physician.

2253. Misbranding of devices known as Anatatherm. U. S. v. 5 Devices * * *.
(F. D. C. No. 23194. Sample No. 22246-H.)

LABEL FILED: June 17, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about May 31, 1946, by the Miller Electro Research Laboratories, from Milwaukee, Wis.

PRODUCT: 5 devices known as *Anatatherm* at St. Louis, Mo., together with 12 circulars entitled "How the Anatatherm SW 150 Short Wave internal heat treatment relieves, corrects, stimulates" and 6 circulars entitled "The New Anatatherm Short Wave Internal Heat Treatment for Health." Examination showed that *Anatatherm* was a device to apply short radio waves to the body.

NATURE OF CHARGE: Misbranding, Section 502 (j), the article was dangerous to health when used with the frequency or duration prescribed, recommended, and suggested in its labeling, i. e., "Treatment Duration: Apply average power of Anatatherm for a period not to exceed one half hour. Three to four treatments per day are generally permissible."

Further misbranding, Section 502 (a), certain statements on the direction cards packed with the article and in the above-mentioned circulars accompanying the article were false and misleading. These statements represented and suggested that the article may be safely and efficaciously used in the treatment of impaired health, sluggish bowels, biliousness, gas pains, intestinal flu, colitis, painful hemorrhoids, prostatitis, colds, painful breathing, catarrhal congestion, asthmatic conditions, localized inflammation, neuralgia myalgia, chronic localized arthritis, arthritis deformans, tired, aching joints, neuritis, sluggish kidneys, grippe, contusions, muscle strains, myositis ossificans, sprains and dislocations, traumatic tenosynovitis, chronic arthritis, myositis and myofascitis (lumbago), fractures, genito-urinary conditions, pelvic infections, respiratory diseases, gastrointestinal diseases, acute and chronic sinusitis, diabetes, paralysis, abscesses, articular rheumatism, asthma, backache, bladder disorders, blood clot, boils, Bright's disease, bronchitis, bursitis, catarrh, carbuncle, colic, congestion, constipation, convulsions, cough, cystitis, deafness, discharge, dropsy, ear disorders, felon, fever, fistula, fracture, furuncles, gall bladder inflammation, gas pressure, headaches, hepatic disorders, hemorrhoids, indigestion, influenza, jaundice, kidney inflammation, laryngitis, lesions, lumbago, mastoiditis, muscular tension, nausea, nephritis, osteitis, ovaritis, peritonitis, pharyngitis, phlebitis, pleurisy, pneumonia, quinsy, rheumatism, salpingitis, sciatica, silicosis, stiff neck, synovitis, teeth abscess, thrombosis, tonsillitis, tooth extractions, ulcers, and whooping cough. The article may not be safely used and was not efficacious in the treatment of such diseases, conditions, and symptoms.

DISPOSITION: December 3, 1947. The Miller Electro Research Laboratories, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

2254. Misbranding of sulfathiazole tablets. U. S. v. Jordan James Sullivan (Sullivan's Pharmacy). Tried to the court. Judgment for the Government. Defendant fined \$200 and placed on two years' probation. Appealed to the Circuit Court of Appeals; judgment of District Court reversed. Certiorari to Supreme Court; judgment of District Court affirmed. (F. D. C. No. 16800. Sample Nos. 64091-F, 64236-F.)

INFORMATION FILED: January 2, 1946, Middle District of Georgia, against Jordan James Sullivan, trading as Sullivan's Pharmacy, at Columbus, Ga.

*See also Nos. 2251, 2255.